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ARIZONA CORPORATION COMMISSION

Bob Stump
Commissioner

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September 8, 2015

Re: Docket No. AU-00000A-15-0309

ORIGINAL

Dear Commissioners and Interested Parties:

My position on this issue has not changed.

I have made it clear that Corporation Commissioners are not elections officers. In my view, we lack the authority essentially to regulate campaign speech.

The irony of the controversy over so-called dark money is this: How can any regulator be beholden to dark money donors when these donors are anonymous?

Of course, this is precisely the problem: a lack of transparency about who is expending funds to elect or defeat Corporation Commissioners.

For that reason, I would indeed prefer that all parties with business before the Commission refrain from participating in Commission races. Yet their participation is perfectly legal and within their First Amendment rights.

Pragmatically, there is no way this Commission can prevent entities from engaging in Commission elections, unless the law is changed.

The potential practical effect of the proposal articulated by Commissioner Burns would be to create an uneven playing field among parties wishing to exercise their First Amendment rights. There is little doubt that this Commission lacks the authority to compel solar companies or other entities who may wish to participate in the political process but are not regulated by this Commission to disclose the details of their political advocacy.

In sum, I see this letter as a well-intentioned but fruitless exercise.

Sincerely yours,

Bob Stump
Corporation Commissioner

Arizona Corporation Commission
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